

**72-3-103. County roads -- Class B roads -- Construction and maintenance by counties.**

(1) County roads comprise all public highways, roads, and streets within the state that:

(a) are situated outside of incorporated municipalities and not designated as state highways;

(b) have been designated as county roads; or

(c) are located on property under the control of a federal agency and constructed or maintained by the county under agreement with the appropriate federal agency.

(2) County roads are class B roads.

(3) The state and county have joint undivided interest in the title to all rights-of-way for all county roads.

(4) The county governing body exercises sole jurisdiction and control of county roads within the county.

(5) The county shall construct and maintain each county road using funds made available for that purpose.

(6) The county legislative body may expend funds allocated to each county from the Transportation Fund under rules made by the department.

(7) A county legislative body may use any portion of the class B road funds provided by this chapter for the construction and maintenance of class A state roads by cooperative agreement with the department.

(8) A county may enter into agreements with the appropriate federal agency for the use of federal funds, county road funds, and donations to county road funds to construct, improve, or maintain county roads within or partly within national forests.

Amended by Chapter 324, 2000 General Session